

1
2
3
4
5
6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

8 VINCENT PAUL MELENDREZ,

9 Petitioner,

10 v.

11 MARGARET GILBERT,

12 Respondent.

CASE NO. C17-984-RAJ-BAT

**ORDER GRANTING MOTION TO
TERMINATE APPOINTMENT OF
COUNSEL AND ALLOWING
PETITIONER TO PROCEED *PRO*
*SE***

13 Petitioner in this federal habeas corpus action moves to terminate the appointment of
14 counsel and asks to proceed *pro se*. Dkt. 28. Petitioner's motion is GRANTED.

15 By order dated July 11, 2016, the Court directed service of the petition and appointed the
16 Federal Public Defender as counsel for petitioner. Dkt. 7. Petitioner did not object to the
17 appointment at the time and elected to proceed. Petitioner now indicates he is dissatisfied with
18 appointed counsel's representation. However, there is no right to appointed counsel in cases
19 brought under 28 U.S.C. § 2254 unless an evidentiary hearing is required or such appointment is
20 necessary for the effective utilization of discovery procedures. *See McCleskey v. Zant*, 499 U.S.
21 467, 495 (1991); *United States v. Duarte-Higareda*, 68 F.3d 369, 370 (9th Cir. 1995); *United*
22 *States v. Angelone*, 894 F.2d 1129, 1130 (9th Cir. 1990); *Weygandt v. Look*, 718 F.2d 952, 954
23 (9th Cir. 1983).

ORDER GRANTING MOTION TO
TERMINATE appointment of counsel and
allowing petitioner to proceed pro se - 1

1 Accordingly, as petitioner has no right to appointed counsel, the Court GRANTS
2 petitioner's motion to terminate appointed counsel in this action and allows him to proceed *pro*
3 *se.* (Dkt. 28). To the extent petitioner's motion seeks to have new counsel appointed that request
4 is denied.

5
6 DATED this 28th day of February, 2019.

7
8 
9 BRIAN A. TSUCHIDA
United States Magistrate Judge